

§ 78. Veterans' Administration

Service-connected Dental Assistance

§ Sec. 78.1 To an appropriation bill, an amendment providing that no part of an appropriation for the Veterans' Administration shall be available for dental treatment, under specified conditions, was held in order as a limitation.

On Mar. 31, 1954,⁽⁴⁾ the Committee of the Whole was considering H.R. 8583, an independent offices appropriation bill. A point of order was raised against an amendment and overruled as indicated below:

Amendment offered by Mr. [John] Phillips [of California]: On page 47, line 11, after "\$76,744,000", insert "*Provided*, That no part of this appropriation shall be available for outpatient dental services and treatment, or related dental appliances with respect to a service-connected dental disability which is not compensable in degree where such condition or disability is not shown to have been in existence at time of discharge and application for treatment is made within 1 year after discharge or by July 27, 1954, whichever is later.

MR. [JAMES P.] SUTTON [of Tennessee]: Mr. Chairman, I make the

point of order against the amendment that it is legislation on an appropriation bill; furthermore, that it changes existing law.

THE CHAIRMAN:⁽⁵⁾ Does the gentleman from California desire to be heard?

MR. PHILLIPS: This is strictly a limitation under the rules. It saves money.

MR. SUTTON: Mr. Chairman, that is a matter of opinion. Furthermore, might I say that even if it were not a limitation on an appropriation, it imposes additional duties.

THE CHAIRMAN: The Chair is of the opinion that it is a limitation. The Chair overrules the point of order.

Medical Care for Nonveterans

§ 78.2 An amendment providing that "no part of this appropriation can be used for hospitalization or examination of persons other than veterans, unless a reciprocal schedule of pay is in effect with the agency or department involved" was held to be a proper limitation restricting the availability of funds and in order on a general appropriation bill.

On Jan. 18, 1940,⁽⁶⁾ the Committee of the Whole was considering H.R. 7922, an independent offices appropriation. An amend-

5. Louis E. Graham (Pa.).

6. 86 CONG. REC. 509-11, 76th Cong. 3d Sess.

4. 100 CONG. REC. 4262, 4263, 83d Cong. 2d Sess.

ment was offered and a point of order against it was overruled as indicated below:

Amendment offered by Mr. [James E.] Van Zandt [of Pennsylvania]: On page 77, line 6, after the period, insert: "*Provided further*, That no part of this appropriation can be used for hospitalization or examination of persons other than veterans, unless a reciprocal schedule of pay is in effect with the agency or department involved."

[Mr. James M. Fitzpatrick, of New York, reserved a point of order.]

MR. VAN ZANDT: During the general debate on this bill, I called to the attention of the gentleman from Virginia [Mr. Woodrum] the fact that the employees of several Federal agencies, including the Civilian Conservation Corps, the Works Progress Administration, the Post Office Department, the Civil Service Commission, and the Unemployment Compensation Commission, also beneficiaries of the Railroad Retirement Board, are being examined by the medical staffs of the Veterans' Administration facilities scattered throughout the country. In many cases the employees of these Federal agencies are hospitalized and spend many weeks in veterans' facilities. I further pointed out at that time that all of the agencies referred to reimburse the Veterans' Administration at the rate of \$3.75 a day for each person receiving medical service, with the exception of the Post Office Department, the Civil Service Commission, and the Unemployment Compensation Commission. These three agencies enjoy a special privilege that is charged to the expenses chalked up for the veterans of our wars. Since that discussion of this

subject on the floor of this House, I have made special inquiry into this entire matter and I find that the position I took at that time was sound and correct in every detail.

[The point of order having been made, the ruling thereon was as follows:]

THE CHAIRMAN:⁽⁷⁾ The gentleman from New York has made a point of order against the amendment offered by the gentleman from Pennsylvania.

The Chair is of the opinion that the amendment is in the nature of a limitation, and therefore, overrules the point of order.

Area and Regional Offices

§ 78.3 Language in an appropriation bill providing that "no part of this appropriation [for the Veterans' Administration] may be used for expenses of any area medical or regional representative offices" was held to be a limitation and in order.

On May 11, 1965,⁽⁸⁾ the Committee of the Whole was considering H.R. 7997, an independent offices appropriation bill. A point of order against the following provision in the bill was overruled:

For expenses necessary for administration of the medical, hospital, domi-

7. Lindsay C. Warren (N.C.).

8. 111 CONG. REC. 10168, 89th Cong. 1st Sess.

ciliary, construction and supply, research, employee education and training activities, as authorized by law, \$12,596,000: *Provided*, That no part of this appropriation may be used for expenses of any area medical or regional representative offices.

MR. [JOHN P.] SAYLOR [of Pennsylvania]: Mr. Chairman, I make a point of order against the language on page 40, line 8, beginning with the word "*Provided*" through line 10, as being legislation on an appropriation bill.

THE CHAIRMAN:⁽⁹⁾ Does the gentleman from Texas desire to be heard on the point of order?

MR. [ALBERT] THOMAS [of Texas]: Mr. Chairman, that is purely a limitation on the use of funds. We cannot admit that point of order.

THE CHAIRMAN: . . . The language is clearly a limitation on the use of funds. The point of order is overruled.

§ 79. Other Uses

Attorney General's Authority

§ 79.1 To a title in a general appropriation bill for the Department of Justice, an amendment providing that "none of the funds appropriated by this title may be used in the preparation or prosecution of any suit or proceeding in any court by or on behalf of the United States (1) against a State of the Union; or (2) against in excess of twenty-five hun-

dred defendants" was held to be a proper limitation restricting the availability of funds and in order.

On Apr. 4, 1952,⁽¹⁰⁾ the Committee of the Whole was considering H.R. 7289. The following proceedings took place:

Amendment offered by Mr. [Samuel W.] Yorty [of California]: On page 29, after line 4, insert the following: "Sec. 207. None of the funds appropriated by this title may be used in the preparation or prosecution of any suit or proceeding in any court by or on behalf of the United States (1) against a State of the Union; or (2) against in excess of twenty-five hundred defendants."

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I make a point of order against the amendment on the ground that it is legislation grafted on an appropriation bill, and therefore utterly inappropriate. . . . I maintain that that is a restriction on the authority of the officials of the Attorney General and has no place in an appropriation bill. It is [not] the usual limitation upon monies to be expended. It is definitely legislation. . . .

THE CHAIRMAN:⁽¹¹⁾ the Chair is ready to rule. The point of order is made against the amendment on the ground that it is legislation on an appropriation bill. The Chair has had an opportunity to read and analyze the amendment offered by the gentleman from California at page 29, after line 4, inserting the language which has been

9. Richard Bolling (Mo.).

10. 98 CONG. REC. 3555, 82d Cong. 2d Sess.

11. Oren Harris (Ark.).